



13 FEB 2007

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In re Application of	:	
NONAKA, et al.	:	
Application No.: 10/551,767	:	
PCT No.: PCT/JP04/04796	:	DECISION ON RENEWED
Int. Filing Date: 01 April 2004	:	
Priority Date: 04 April 2003	:	PETITION UNDER
Attorney Docket No.: 2005_1235A	:	
For: CONTENT-RELATED INFORMATION	:	37 CFR 1.42
DELIVERY SYSTEM	:	

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.42" filed 12 January 2007 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 16 November 2006, applicant was mailed a decision dismissing applicant's request for status pursuant to 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 12 January 2007, applicant filed the response considered herein.

DISCUSSION

As detailed in the 16 November 2006 decision, 37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Applicant's originally filed declaration was held to be non-compliant. While the declaration did provide the citizenship, residence, and mailing address of all of the signing heirs; it did not provide the citizenship of the deceased inventor. Applicant has presently provided an executed declaration which provides all of the required information. In addition, counsel has provided a statement that the signers of the declaration constitute all of the heirs and no legal representative has been, nor is required to be, appointed. Therefore, it is appropriate to grant

applicant's renewed petition at this time.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 01 April 2004 and will be given a date of **12 January 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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